

Remarks

Claims 1-22 are pending.

35 U.S.C. §112

Claims 1-22 are rejected under 35 U.S.C. §112 as being indefinite. Specifically, the Examiner points to the language “transmitting a text representation of the qualifying record to a user; and transmitting a representation of a non-text object related to the text representation of the qualifying record...” of claim 1. The Examiner indicates that the scope of the term “text representation” is difficult to determine in that it “is unclear whether the transmitted text is text which is included in the record or whether the transmitted text is some other indeterminate characteristic of the textual content of the record.” Office Action, pages 2-3.

Additionally, the Examiner indicates that the scope of the language “transmitting a representation of a non-text object” is “confusing” because it “is difficult to determine what is transmitted because the degree of conformance of the transmitted representation with the object is unclear.” The Examiner then makes the unilateral decision that “a compressed image is comparable to a representation of the non-text object.” Office Action, page 3.

Applicant first wishes to point out that all of claims 1-22 are rejected as being indefinite though only language from claim 1 is mentioned. Independent claims 7, 12 and 18 are rejected for having “language similar to claim 1.” Office Action, page 3. Without pointing to the specific language that the Examiner finds unclear, Applicant cannot completely respond to the Examiner’s concerns.

Further, Applicant notes that the language “transmitting a text representation” and “transmitting a representation of an object” has been pending in claim 1 since the filing of the application. The current Examiner has issued two substantive Office Actions before the current

Office Action, examining claims which included this language and not raised an issue raised regarding the clarity of the language. Clearly, the claims could not be unclear as the Examiner has already substantively reviewed them twice.

Furthermore, Applicant wishes to make the record clear that the scope of the above language includes all of the options listed by the Examiner as well as other interpretations. Claims are always subject to multiple interpretations. Breadth of claims should not be confused with indefiniteness. M.P.E.P. §2173.04. The test is whether the claim language is so vague that one with ordinary skill in the art would not be able to interpret the metes and bounds of the claim so as to be able to avoid infringement. M.P.E.P. §2773.02. Here any text representation of the qualifying record and any representation of the non-text object would infringe. Reconsideration of the rejection of claims 1-22 under 35 U.S.C. §112 is respectfully requested in light of the remarks above.

35 U.S.C. §102

Claims 1-22 (the Examiner mistakenly lists 28 claims) are rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 6,643,641 to Snyder ("Snyder"). Reconsideration of the application in light of the remarks below is respectfully requested.

Among the limitations of independent claim 1, which are neither shown nor suggested in Snyder are:

transmitting a text representation of the qualifying record to
a user; and
transmitting a representation of a non-text object related to
the text representation of the qualifying record to the user.

Similarly, among the limitations of independent claim 12, which are neither shown nor suggested in Snyder are:

a search module for locating at least one qualifying record relating to the search query; and
transmitter for transmitting a representation of a non-text object related to a text representation of each qualifying record to the user.

The Office Action points to column 28, lines 30-37 as showing the above limitations. The system in Snyder, in response to a user's search query, provides the user with "the text information included with the URL link such as a description and title, but also from a small size presentation of what the web page looked like when it was indexed." Column 28, lines 34-37. Thus, Snyder does not show transmitting a representation of a non-text object related to the text representation of the qualifying record because Snyder shows a user a snapshot of the entire record – not something which is related to the record. Moreover, claims 1 and 12 recite that the representation transmitted to the user is related to the text representation of the qualifying record. Snyder does not transmit to a user a representation related to a text representation (assuming that Snyder even has an element which could correspond to the claimed "text representation"). Snyder shows a snapshot of the entire record and not something related to a text representation. Therefore, it is asserted that claim 1 is patentable over Snyder.

Claims 2-6 and 13-17 include the above referenced limitations of claims 1 and 12 respectively and include additional recitations which, when combined with the recitations of claims 1 and 12, are also neither disclosed nor suggested in Snyder. It is asserted that these claims are patentable as well.

Among the limitations of independent claim 7, which are neither shown nor suggested in Snyder are:

searching the record for a non-text object;
creating a representation of the object;

storing the representation in association with the record. . . .

Similarly, among the limitations of independent claim 18, which are neither shown nor suggested in Snyder are:

an indexing module for searching the record for a link to a non-text object

a subsystem for creating a representation of the object;

a subsystem for storing the representation in association with the record; and

a subsystem for making an entry for the record in the index including the representation.

The Office Action points to column 9, lines 35-60 of Snyder as showing the above limitations and specifically the Office Action indicates that “text is parsed” in Snyder. This referenced portion of Snyder clearly states that “[t]he text portion of any data obtained by the fetching processes 66 from a particular URL address is parsed or divided into discrete terms and statements.” Column 9, lines 37-39 (emphasis added). In contrast, claims 7 and 18 recite creating a representation of a non-text object. Therefore, it is asserted that claims 7 and 18 are patentable over Snyder.

Claims 8-11 and 19-22 include the above referenced limitations of claims 7 and 18 respectively, and include additional recitations which, when combined with the recitations of claims 7 and 18, are also neither disclosed nor suggested in Snyder. It is asserted that these claims are patentable as well.

Reconsideration of the rejection of claims 1-22 under 35 U.S.C. §102 is respectfully requested in light of the remarks above.

Clarification of the record

In the Response to Arguments section, the Examiner states that new art to Snyder is cited “in the best interests of advancing prosecution. . . .” Office Action, page 6. However, the Examiner goes further and states that the previously cited art may indeed still read on the current claims. Such statements do not advance prosecution. To the contrary, prosecution is now stifled and obfuscated. Even upon a final resolution of the above issues regarding the Snyder reference, Applicant cannot be sure that the Examiner will not revert back to previous rejection based on U.S. Patent 6,442,576 to Edelman et al. (“Edelman”) in combination with U.S. Patent 6,505,191 to Baclawski (“Baclawski”).

The Examiner proceeds still further and states that Applicant’s previous Communication does not satisfy 37 C.F.R. 1.111. This assertion is in direct contraction to the statements made on page 1 of the Office Action indicating that an appropriate Request for Continued Examination (“RCE”) was filed under 37 C.F.R. §1.114 and consequently the finality of previous Office Action has been withdrawn. A RCE requires a submission in compliance with 37 C.F.R. §1.111 if an Office Action is outstanding. See, 37 C.F.R. §1.114(c). As such, by indicating that a RCE has been properly filed, the Examiner has admitted that the previous response complied with 37 CFR §1.111

Moreover, as stated in Applicant’s previous Communication, the Edelman reference was cited as showing a system where a user may search a single HTML document for an object. See, e.g. Office Action dated August 29, 2003, pages 2-3 and Edelman Abstract. Baclawski was cited as showing an indexing module in a search engine. See, Office Action, dated August 29, 2003, pages 3-4. However, even the combination of Edelman and Baclawski does not show processing a search query requesting a document in the world wide web and transmitting a representation of

a non-text object related to a text representation of a qualifying record to a user as recited in claim 1.

Similarly, even the combination of Edelman and Baclawski does not show indexing records by receiving a record from the world wide web, searching the record for a non-text object, creating a representation of the object, and storing the representation in association with the record – as recited in independent claim 7.

The combination of Edelman and Baclawski does not show a system including a query module for receiving the search query, the search query requesting at least one record in the world wide web, and a transmitter for transmitting a representation of a non-text object related to a text representation of each qualifying record to the user – as recited in independent claim 12.

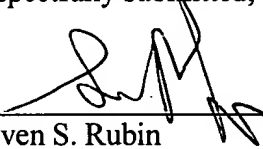
Moreover, the combination of Edelman and Baclawski does not show a system including a database for storing a record from the world wide web, an indexing module for searching the record for a link to a non-text object, a subsystem for creating a representation of the object, and a subsystem for storing the representation in association with the record – as recited in independent claim 18.

The above statements were set forth in Applicant's prior communication and clearly show how independent claims 1, 7, 12 and 18 include limitations which are not shown even in a combination of the cited art. Such statements are the epitome of distinctly and specifically pointing out errors in the Office Action pursuant to 37 CFR §1.111(b) – i.e. the Examiner misunderstood or misread either the claims or the cited art or both. Unless the Examiner is

willing to make an explicit rejection of the pending claims based on Edelman and Baclawski these references, Applicant must assume that the Examiner has deemed the pending claims allowable over those pieces of prior art.

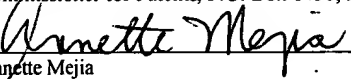
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2/18/05

Date